



Paper No. 07

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HOUSTON, TX 77024-1805

MAR - 4 2002

In re Application of: :  
TYLER A. LOWREY :  
Application No. 09/944,478 :  
Filed: August 31, 2001 :  
Attorney Docket No.: INTO-0006-US :  
(P12499) :

DECISION ON PETITION  
TO WITHDRAW HOLDING  
OF ABANDONMENT

This is a decision on the request filed August 30, 2002, via facsimile transmission, and refiled September 30, 2002, to withdraw the holding of abandonment of the above-identified application. A petition fee is not required.

The request is **granted**.

The application was held abandoned for failure to respond to the Office action mailed on January 23, 2002. A Notice of Abandonment was mailed on August 26, 2002.

Petitioner asserts that a response to the Office action of January 23, 2002, was mailed to the United States Patent and Trademark Office (PTO) on June 11, 2002.

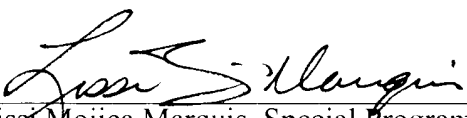
A review of the application file record reveals that the above-identified response was not associated with the application file at the time Notice of Abandonment was mailed, but has since been located and matched therewith. The response of record bears a PTO stamped receipt date of August 28, 2002. However, the response includes a Certificate of Mailing under 37 C.F.R. § 1.8(a) having a date of deposit with the United States Postal Service of January 31, 2002. Accordingly, the response is considered timely.

For the above-stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the Technology Center 2800 support staff for entry of the response. From there, the application will be forwarded to the examiner for appropriate action.

The \$130.00 petition fee charged to petitioner's deposit account will be credited to petitioner's deposit account number **20-1504**.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (703) 308-2260.

  
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